

The CASE of Richard Radley Gent.

Now Prisoner in the KINGS-BENCH.



THAT the now Lord Chief Justice Scroggs, being Lord of the several Mannors of *Southweald*, and *Goshead* in the County of *Essex*; his Lordship in 1672. (did upon a pretended forfeiture) Wrongfully Seize into his Hand and Possession, a certain Copy-hold Messuage, and divers Copy-hold Lands, of 35 *l.* Yearly value, held of the said several Mannors; And which were then the Estates and Inheritance of one *Thomas Danwood*, Unkle of the above-mentioned *Richard Radley*.

That soon after his Lordship had so Seized the Premises, he Felled all the Timber thereupon then growing, worth 100 *l.* And thenceforth received all the Rents and Profits of the Premises; which his Lordship insisted to be absolutely his own, and therefore would not restore the Possession thereof unto the said *Thomas Danwood*, albeit, he several times in all humble and fitting manner, besought his Lordship so to do. Whereupon the said *Thomas Danwood*, was enforced to commence several Actions at Law, in Trespas and Ejectment against his Lordships Under-Tenants of the Premises; Which being brought to Tryal at *Chelmsford*, the Sommer Affizes 1675. The said *Thomas Danwood*, (upon full Evidence on all sides,) obtained a Verdict against his Lordships pretended Title; And (after a Writ of Error spent therein,) was in June 1676. put into Possession of the Premises, by the then Sheriff, upon an *Hab. Fac.* Possession. In the Prosecution of which Suits, the said *Thomas Danwood* was Necessitated to expend 700 *l.* or thereabout; and being himself near Four-score Years Old; He desired his said Nephew *Richard Radley* to assist him in the Management of that business; which he the said *Radley* (in an unfortunate hour to himself,) did accordingly undertake, as conceiving himself bound in duty, to be helpful unto his said Unkle, in what lawful ways he could, and otherwise then so did he the said *Radley* never Act. And yet nevertheless, because he the said *Radley* did appear on behalf of his said Unkle *Danwood* as aforesaid; His Lordship, (the now Lord Chief Justice Scroggs) was pleased to conceive some causeless Displeasure against him; which was so far taken notice of in the Neighbourhood, (he the said *Radley*, then dwelling at *Brentwood*, within a Mile of his Lordships House, called *Weld-Hall*.) That when any difference happened between *Radley* and any Neighbour; *Radley* was soon after informed against at *Weld-Hall*; As for Instance.

He the said *Radley* being necessitated to have a controversy with one *Samuel Whitehead* of *Brentwood* aforesaid, Shoemaker; a person well known in the Neighbourhood, (as *Radley* doubts not to make appear by proof,) to be of such Atheistical Principle, and Vicious conversation as rendered his Oath not fit to be Credited in any concern, to the value of 5 *s.* He the said *Whitehead* to wreak his Revenge on *Radley*; Did in May 1679. Inform the said Lord Chief Justice upon Oath; That *Radley* had Spoken certain scandalous words against his Lordship, (repeating the words in his Affidavit,) and told his Lordship also that one *Robert Ralet* a Brick-Layer (who was a constant Workman in his Lordships Service, as occasion required,) did hear the Words spoken, as well as he the said *Whitehead*.

That the Lord Chief Justice going soon after to London; one Mr. *Thomas White* an Attorney and Steward of his Lordships Courts, came to *Radley*, as from his Lordship, willing him to attend his Lordship at London, to give him satisfaction about an Affidavit made by *Whitehead*, of such words spoken by *Radley* against his Lordship, as he the said Mr. *White* then said, he dared not repeat; But Mr. *White* then told *Radley*, that *Whitehead* had informed his Lordship, that *Ralet* also had heard the words Spoken by *Radley*; Hereupon *Radley* enquired of *Ralet* what the words were which *Whitehead* had Sworn, and whether he the said *Ralet*, had ever heard *Radley* Speak the same; whereto *Ralet* answered, That he had Sworn to the Lord Chief Justice, that he never heard *Radley* Speak the words Sworn by *Whitehead*, nor any other word concerning his Lordship; But only, That *Danwoods Cause* was a good Cause, and that he (the said *Radley*) would Seal it with his Blood.

Soon after this, *Radley* waited on his Lordship at London, (as he was required,) where his Lordship making known to *Radley*, what words *Whitehead* had Sworn against him; and *Radley* denying (as the truth was and is,) that he ever Spoke those, or any such like words; and withal, giving his Lordship a true account, what a Dangerous Fellow *Whitehead* was; and of the occasion why he thus sought to execute his Malice on him the said *Radley*; His Lordship was pleased to say, That there was another would testify the words besides *Whitehead*, but that his Lordship would defer the further Examination of that matter, until his being in the Countrey at *Whitsontide*: And so his Lordship dismissed *Radley* for that time.

In *Whitson* week, all Parties attended his Lordship; and upon Examination of the matter, his Lordship being convinced, that there was no reality in this Accusation against *Radley*, (albeit, *Ralet* then varied from what he had formerly informed *Radley* as aforesaid; and would seem to insist, that *Radley* said he would Seal to the words informed by *Whitehead* with his Blood.) His Lordship was pleased to declare, he would pass by this matter for that time; but willed *Radley* to have a care, that no further Informations against him, come before his Lordship; Or used Monitory expressions, to that Purpose.

Some difference afterwards happening between *Radley* and *Ralet* about work, wherein *Radley* Employed *Ralet* as his Bricklayer; *Ralet* informed the Lord Chief

Justice, that *Radley* would have hired him to knock the aforesaid *William White* on the Head; Whereupon *Radley* was again sent for by the Lord Chief Justice, and required to give Sureties for his Behaviour, which he did accordingly; though no colour of truth in the said Information.

At Summer Affizes, in August 1679. *Ralet* Recovered 39 *l.* against *Radley*, in an Action upon a *Quantum Meruit* for Building; and soon afterwards, to wit, on the Eighth of August 1679. aforesaid. *Radley* standing at his own dore; and *Ralet* being at Work over against *Radley's* House, and within hearing one of another; *Ralet* said to *Radley*, There be Rods in Piss for you.

Whereupon *Radley* saying, Why are you and your Cobler going to make new Oaths against me?

Ralet thereupon demanded, What have you got to say to my Lord Chief Justice?

Radley thereunto replied, As far as I know, the Lord Chief Justice may be a very worthy Gentleman; But for your part, you are a very Rascal.

That these were all, or the effect of all the words which passed between *Radley* and *Ralet* at that time, which he proved by Divers Persons of Credit then present; And never but then had *Radley* any discourse with *Ralet*, after the aforesaid Tryal, between them at Sommer Affizes, 1679. Neither was any thing of this further taken notice of, (to *Radleys* knowledge,) until September following.

Radley went with his Unkle *Danwood* to wait upon the said Lord Chief Justice, 3. Sep. and demanded from his Lordship satisfaction, for the Timber his Lordship had Felled from off *Danwoods* Land; and an account of the Rents and Profits his Lordship had received; and to re-imburse *Danwood* the Costs he was by those unnecessary Suits enforced to Expend; Which demand his Lordship seemed much offended at; saying to *Danwood*, He owed him nothing; and again bidding him come by it as well as he could. And for Redress herein, *Danwood* hath now a Petition depending before the Lords in Parliament.

The Lord Chief Justice hath Oath made before him, by the aforesaid *Ralet* and one *William Lewis*, (a notorious Rogue, who for Twelve Years before, had past been kept at the Charge of the Parish.) That on the Seventh day of August then last past; *Radley* Spake unto *Ralet* these words following, viz. If you expect to have your Money, Recovered of me at *Chelmsford*; go to *Weld-Hall*, there's Money enough come in now for quitting of Doctor Wakeman.

Radley was taken up by the Lord Chief Justice his Warrant, and carried to his Lordships House; where *Radley* entered into a Recognizance of One Hundred Pound; with two Sureties in Fifty Pound a piece for *Radleys* appearance in the Kings Bench, on the first day of Michaelmas Term 1679. At which time he appeared in Court; and Retained Mr. *Ward* for his Clerk in the Crown Office, who (by rule of Court,) was to appear for *Radley*, from time to time; and to receive all Informations which should come in against him; to which end *Radley* also gave Mr. *Ward* a general Warrant to appear; And thereupon *Radleys* Bayl were discharged.

Radley had no notice to appear in all that time; And yet he being called on the very last day of that Term, and not appearing; his Recognizance was forthwith estreated into the Exchequer; whereof *Radley* being informed, he in the beginning of Hilary Term last, moved the Court of Kings Bench; And upon his offer to receive any information, and plead forthwith; the Court made a Rule that the said Recognizance should be withdrawn.

An Information being exhibited against *Radley* for the aforesaid words, supposed to have been Spoken to *Ralet*; the same came on to be Tried at *Chelmsford* last Affizes; to wit, on the 28th of March last, and *Radley* not being able to prevail with any Council, to appear in his defence, against the Lord Chief Justice Scroggs his Interest, (on whose behalf Sir George Jefferys appeared most forward;) A Verdict then passed against *Radley*, who was thereupon Committed to Goale, though he offered Unquestionable Bail for his Liberty.

At the Instance and Charge of the said Lord Chief Justice Scroggs, *Radley* is removed from *Chelmsford* by Ha. Cor. and on the Fifteenth of June came over a Prisoner to the Kings Bench; Whereupon the then Sheriff of *Essex* told *Radley*, that he would charge him in Execution for 200 *l.* upon his aforesaid Recognizance; and also take his Sureties in Execution, until he would pay the Sheriff his Fees; which *Radley* was fain to promise; and having not payed the same, he is to this day required so to do; Albeit, for Security of his Sureties, *Radley* hath been enforced to obtain out of the Exchequer, a *quietus* against the said Recognizance, which cost him 5 *l.* 10 *s.*

Radley was Sentenced in the Court of Kings Bench, to stand before each of the Courts at Westminster, one hour with a Paper on his Breast, expressing his supposed Crime; And to do the like at *Brentwood*, at the then next Affizes, and in the Affizes time, And was Fined 200 *l.* and Committed in Execution until payed; And to find Sureties for the Behaviour for three Years.

Radley hath stood at Westminster and *Brentwood*, according to his Sentence aforesaid; But hath not given Sureties for his Behaviour, nor paid the 200 *l.* But lyes in Prison for Non-Payment; And for Relief therein, hath preferred his Petition to the Right Honourable the House of Commons, in Parliament Assembled.

19. July last.